

21 C.J.S. Courts § 47

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

D. Jurisdiction of Person

2. Due Process Requirement of Minimum Contacts for Personal Jurisdiction

§ 47. Personal jurisdiction as general or specific
under due process minimum contacts requirements

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  11, 13.2 to 13.3(8)

The exercise of personal jurisdiction over a defendant under the due process minimum contacts requirements may constitute either general jurisdiction, pertaining to the particular defendant regardless of the cause of action, or specific jurisdiction, pertaining to causes of action arising from or related to a defendant's contacts with the forum state.

Under the minimum contacts test for the exercise of personal jurisdiction within the limitations of the Due Process Clause of the United States Constitution,¹ personal jurisdiction may be either general or specific.² A general jurisdiction inquiry is different from a specific jurisdiction inquiry and involves a more demanding due process, minimum contacts analysis, with a substantially higher threshold.³ General jurisdiction refers to the power of a state to adjudicate any cause of action involving a particular defendant regardless of where the cause of action arose.⁴ General

jurisdiction exists when a defendant's affiliations with the forum state are so continuous and systematic as to render the defendant essentially at home in the forum state.⁵ If the defendant's contacts with the forum state are sufficiently continuous and systematic, the forum may exercise general personal jurisdiction even with respect to causes of action which do not arise out of or relate to such contacts.⁶

Specific jurisdiction—or case-linked jurisdiction⁷—depends on an affiliation between the forum state and the underlying controversy, principally activity or an occurrence that takes place in the forum state and is confined to the adjudication of issues deriving from, or connected with, the very controversy that establishes jurisdiction.⁸ It refers to jurisdiction over causes of action arising from or related to a defendant's actions within the forum state.⁹ If the defendant's contacts are neither substantial nor continuous and systematic, but the cause of action arises out of or is related to the defendant's contact with the forum, a court may assert specific jurisdiction over the defendant, depending on the quality and nature of the contact.¹⁰

The defendant's purposeful submission to the jurisdiction of the forum state through contact with and activity directed at a sovereign may justify specific jurisdiction in a suit arising out of or related to the defendant's contacts with the forum.¹¹ The question is whether a defendant has followed a course of conduct directed at the society or economy existing within the jurisdiction of a given sovereign so that the sovereign has the power to subject the defendant to judgment concerning that conduct.¹²

Ties with the forum state serving to bolster the exercise of specific jurisdiction do not warrant a determination that, based on those ties, the forum has general jurisdiction over a defendant.¹³

CUMULATIVE SUPPLEMENT

Cases:

For specific personal jurisdiction over a nonresident defendant, the plaintiff's claims must arise out of or relate to the defendant's contacts with the forum State, or put just a bit differently, there must be an affiliation between the forum State and the underlying controversy, principally, an activity or an occurrence that takes place in the forum State and that is therefore subject to the State's regulation. [Ford Motor Company v. Montana Eighth Judicial District Court](#), 141 S. Ct. 1017 (2021).

Two types of personal jurisdiction are recognized: general, sometimes called all-purpose, jurisdiction, and specific, sometimes called case-linked, jurisdiction. [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\)](#).

A court with general jurisdiction may hear any claim against the defendant, even if all the incidents underlying the claim occurred in a different state. [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\)](#).

Only a limited set of affiliations with a forum will render a defendant amenable to general jurisdiction in a state. [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\)](#).

In order for a state court to exercise specific jurisdiction, the suit must arise out of or relate to the defendant's contacts with the forum. [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\)](#).

For a state court to exercise specific jurisdiction, there must be an affiliation between the forum and the underlying controversy, principally, an activity or an occurrence that takes place in the forum state and is therefore subject to the state's regulation. [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\)](#).

Specific jurisdiction is confined to adjudication of issues deriving from, or connected with, the very controversy that establishes jurisdiction. [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\)](#).

Where there is not an affiliation between the forum and the underlying controversy, specific jurisdiction is lacking regardless of the extent of a defendant's unconnected activities in the state. [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\)](#).

For specific jurisdiction, a defendant's general connections with the forum are not enough. [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\)](#).

Two types of personal jurisdiction are recognized: general, sometimes called all-purpose, jurisdiction, and specific, sometimes called case-linked, jurisdiction. [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 \(2017\)](#).

General jurisdiction to adjudicate has in United States practice never been based on the plaintiff's relationship to the forum; when a defendant's act outside the forum causes injury in the forum, by contrast, a plaintiff's residence in the forum may strengthen the case for the exercise of specific

jurisdiction. U.S.C.A. Const.Amend. 14. Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011).

General personal jurisdiction for a corporate defendant exists when the minimum contacts requirement has been satisfied by the nonresident defendant's continuous and substantial business activity within the forum. *Levy v. Gold Medal Products Co.*, 2020 IL App (1st) 192264, 441 Ill. Dec. 106, 156 N.E.3d 106 (App. Ct. 1st Dist. 2020).

State Attorney General that issued civil investigative demand did not establish general personal jurisdiction over fossil fuel company, where company was incorporated and headquartered out of state, and total of company's activities in state did not approach volume required for assertion of general jurisdiction. *Exxon Mobil Corporation v. Attorney General*, 479 Mass. 312, 94 N.E.3d 786 (2018).

[END OF SUPPLEMENT]

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Footnotes

- 1 § 46.
- 2 U.S.—*Walden v. Fiore*, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014); *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011); *J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 131 S. Ct. 2780, 180 L. Ed. 2d 765 (2011) (Per Justice Kennedy with three justices concurring and two justices concurring in judgment).

Ariz.—*Hoag v. French*, 238 Ariz. 118, 357 P.3d 153 (Ct. App. Div. 1 2015).

Cal.—*BBA Aviation PLC v. Superior Court*, 190 Cal. App. 4th 421, 117 Cal. Rptr. 3d 914 (2d Dist. 2010).

N.C.—*Credit Union Auto Buying Service, Inc. v. Burkshire Properties Group Corp.*, 776 S.E.2d 737 (N.C. Ct. App. 2015).

Tenn.—*First Community Bank, N.A. v. First Tennessee Bank, N.A.*, 2015 WL 9025241 (Tenn. 2015).

Tex.—*TV Azteca v. Ruiz*, 44 Media L. Rep. (BNA) 1443, 2016 WL 766927 (Tex. 2016).

Vt.—*State v. Atlantic Richfield Co.*, 2016 VT 22, 2016 WL 556174 (Vt. 2016).
- 3 Tex.—*Alencar v. Shaw*, 323 S.W.3d 548 (Tex. App. Dallas 2010).
- 4 U.S.—*Walden v. Fiore*, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014).

Iowa—*Book v. Doublestar Dongfeng Tyre Co., Ltd.*, 860 N.W.2d 576 (Iowa 2015).

N.C.—*Credit Union Auto Buying Service, Inc. v. Burkshire Properties Group Corp.*, 776 S.E.2d 737 (N.C. Ct. App. 2015).

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Tenn.—First Community Bank, N.A. v. First Tennessee Bank, N.A., 2015 WL 9025241 (Tenn. 2015).

Tex.—Wet-A-Line, L.L.C. v. Amazon Tours, Inc., 315 S.W.3d 180 (Tex. App. Dallas 2010).

U.S.—Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011).

Ala.—Frye v. Smith, 67 So. 3d 882 (Ala. 2011).

Fla.—Two Worlds United v. Zylstra, 46 So. 3d 1175 (Fla. 2d DCA 2010).

Ind.—Boyer v. Smith, 42 N.E.3d 505 (Ind. 2015).

Iowa—Book v. Doublestar Dongfeng Tyre Co., Ltd., 860 N.W.2d 576 (Iowa 2015).

Neb.—Ashby v. State, 279 Neb. 509, 779 N.W.2d 343 (2010).

N.C.—Meyer v. Race City Classics, LLC, 761 S.E.2d 196 (N.C. Ct. App. 2014), review denied, 367 N.C. 796, 766 S.E.2d 624 (2014).

Or.—Robinson v. Harley-Davidson Motor Co., 354 Or. 572, 316 P.3d 287 (2013).

Tex.—Specht v. Dunavant, 362 S.W.3d 752 (Tex. App. Houston 14th Dist. 2011).
- 6

U.S.—Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011); Helicopteros Nacionales de Colombia, S.A. v. Hall, 466 U.S. 408, 104 S. Ct. 1868, 80 L. Ed. 2d 404 (1984).
- 7

U.S.—Walden v. Fiore, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014).
- 8

U.S.—Walden v. Fiore, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014); Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011).
- 9

U.S.—J. McIntyre Machinery, Ltd. v. Nicastro, 564 U.S. 873, 131 S. Ct. 2780, 180 L. Ed. 2d 765 (2011) (Per Justice Kennedy with three justices concurring and two justices concurring in judgment).

Ariz.—Hoag v. French, 238 Ariz. 118, 357 P.3d 153 (Ct. App. Div. 1 2015).

Idaho—Telford v. Smith County, Texas, 155 Idaho 497, 314 P.3d 179 (2013).

Iowa—Book v. Doublestar Dongfeng Tyre Co., Ltd., 860 N.W.2d 576 (Iowa 2015).

Kan.—Aeroflex Wichita, Inc. v. Filardo, 294 Kan. 258, 275 P.3d 869 (2012).

Tex.—Ahrens & DeAngeli, P.L.L.C. v. Flinn, 318 S.W.3d 474 (Tex. App. Dallas 2010).
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Neb.—Ashby v. State, 279 Neb. 509, 779 N.W.2d 343 (2010).
- 11

U.S.—J. McIntyre Machinery, Ltd. v. Nicastro, 564 U.S. 873, 131 S. Ct. 2780, 180 L. Ed. 2d 765 (2011) (Per Justice Kennedy with three justices concurring and two justices concurring in judgment).

N.C.—Credit Union Auto Buying Service, Inc. v. Burkshire Properties Group Corp., 776 S.E.2d 737 (N.C. Ct. App. 2015).

Tex.—Brenham Oil & Gas, Inc. v. TGS-NOPEC Geophysical Company, 472 S.W.3d 744 (Tex. App. Houston 1st Dist. 2015).

Vt.—State v. Atlantic Richfield Co., 2016 VT 22, 2016 WL 556174 (Vt. 2016).

- 12 U.S.—*J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 131 S. Ct. 2780, 180 L. Ed. 2d 765 (2011) (Per Justice Kennedy with three justices concurring and two justices concurring in judgment).
- 13 U.S.—*Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011).

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